

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MICHELLE HINDS, et al.,

Plaintiffs,

v.

FEDEX GROUND PACKAGE SYSTEM,
INC., et al.,

Defendants.

Case No. [18-cv-01431-JSW](#)

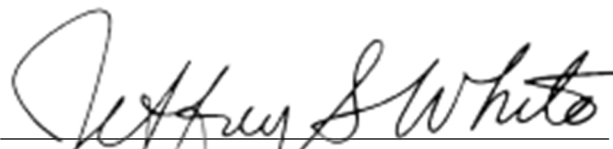
**ORDER REQUIRING
SUPPLEMENTAL BRIEFING FROM
PLAINTIFFS ON FEDEX GROUND
PACKAGE SYSTEM'S MOTION IN
LIMINE NO. 4**

Re: Dkt. No. 222

The Court has reviewed FedEx's motion *in limine* number 4 and Plaintiffs' response. That motion addresses the relevance of terms of Bay Rim's ISP Agreement that require compliance with DOT Regulations. *See, e.g., Moreau v. Air France*, 365 F.3d 942, 950-51 (9th Cir. 2004). Plaintiffs set forth their position on *Moreau* but have not addressed other cases cited in FedEx's motion. The Court ORDERS Plaintiffs to provide a supplemental brief that addresses: (1) the specific provisions of Bay Rim's ISP Agreement that they intend to rely on at trial; and (2) why those sections are relevant to their case. *See, e.g., Johnson v. Serenity Transp., Inc.*, No. 15-cv-02004-JSC, 2017 WL 1365112, at *8 (N.D. Cal. April 14, 2017) ("[C]ourts have applied the *Moreau* principle 'in a narrow and limited way'—that is, only when the regulation sets forth a particular method of action and the entity complies with that method"). Plaintiffs' supplemental brief shall be due by no later than 1:00 p.m. September 27, 2022. Defendants may provide a reply by no later than 1:00 p.m. on September 30, 2022.

IT IS SO ORDERED.

Dated: September 21, 2022


JEFFREY S. WHITE
United States District Judge